

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UNITED STATES POSTAL SERVICE

and

Case 07-CA-135950

**SOUTHWEST MICHIGAN AREA
LOCAL 143, AMERICAN POSTAL
WORKERS UNION, AFL-CIO**

DECISION AND ORDER

Statement of the Case

On January 7, 2015, the United States Postal Service (the Respondent), Southwest Michigan Area Local 143, American Postal Workers Union, AFL-CIO (APWU Local 143 or the Union), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.¹

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondent's business

The Respondent provides postal services for the United States and operates various facilities throughout the United States in performing that function, including facilities located in Southwest Lower Michigan and Kalamazoo, Michigan.

¹ Member Johnson would not approve the part of the order requiring the Respondent to cease and desist from failing to bargain with "any other labor organization" because that asserted violation was not alleged as part of this case.

The Board has jurisdiction over Respondent and this matter by virtue of Section 1209 of Postal Reorganization Act, 39 U.S.C. Sect 101 et. seq.

2. The labor organization involved

The American Postal Workers Union, AFL-CIO (APWU) (the National Union), and APWU Local 143 are labor organizations within the meaning of Section 2(5) of the Act.

3. The appropriate unit

1. The employees of the Respondent described in Article 1 (Union Recognition) of the collective-bargaining agreement between the Respondent and the National Union described below in paragraph 2 (the Unit), constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act.

2. At all material times, the Respondent has recognized the National Union as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective by its terms from November 21, 2010 through May 20, 2015.

3. At all material times, the National Union has been the exclusive collective-bargaining representative of the Unit within the meaning of Section 9(a) of the Act.

4. At all material times, APWU Local 143 has been the designated servicing representative of the National Union for employees in the Unit employed at Respondent's Southwest Lower Michigan and Kalamazoo, Michigan facilities.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that

The Respondent, United States Postal Service, Kalamazoo, Michigan, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Unreasonably delaying in furnishing the Union with relevant requested information, or in any other manner interfering with, restraining, or coercing its employees in the exercise of rights guaranteed in Section 7 of the Act.

(b) Unreasonably delaying in furnishing the Union with relevant requested information, or in any other manner refusing to bargain collectively and in good faith with the Union as the servicing agent of the exclusive collective-bargaining representative of

the Unit or any other labor organization at its Kalamazoo, Michigan facilities as listed below in paragraph 2(b).

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Upon request, bargain collectively and in good faith with the Union as the servicing representative of the exclusive collective-bargaining representative for employees in the Unit employed at the Respondent's Kalamazoo, Michigan area facilities, as described below in subparagraph (b).

(b) Within 14 days of service by the Region, post copies of the attached notice marked as Appendix A at the following facilities:

Kalamazoo Arcadia Branch	310 East Michigan Avenue, Kalamazoo
Kalamazoo P.O.	1121 Miller Road, Kalamazoo
Kalamazoo Parchment Branch	839 Commerce Lane, Kalamazoo
Kalamazoo Westwood Branch	167 North Drake Road, Kalamazoo
Oshtemo	3885 South 9th Street, Kalamazoo

Copies of the notice, on forms provided by the Region Seven, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the Respondent shall distribute notices electronically, by email, posting on an intranet or internet site, and /or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material.

(c) Within 21 days after service of this order by the Region, file with the Regional Director a sworn certification by a responsible Respondent official attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., March 16, 2015.

Kent Y. Hirozawa, Member

Harry I. Johnson, III, Member

Lauren McFerran, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT refuse to bargain collectively and in good faith with Southwest Michigan Area Local 143, American Postal Workers Union (APWU), AFL-CIO (the Union) as the servicing representative of the exclusive collective-bargaining representative of our employees in the following appropriate Unit at our Kalamazoo, Michigan facilities:

All employees in the bargaining Unit for which the American Postal Workers Union, AFL-CIO, has been recognized and certified at the national level, excluding managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined in Public Law 91-375, Section 1201(2), all Postal Inspection Service Employees, employees in the supplemental work force as defined in Article 7, Rural Letter Carriers, Mail handlers, and Letter carriers.

WE WILL NOT unreasonably delay providing necessary and relevant information requested by the Union to perform its responsibilities as the servicing representative of the exclusive collective-bargaining representative of representative of our employees in the Unit or any other labor organization at our Kalamazoo, Michigan facilities.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE WILL NOT in any other manner fail and refuse to bargain collectively and in good faith with the Union as the servicing representative of the exclusive collective-bargaining representative of our employees in the Unit at our Kalamazoo, Michigan facilities.

WE WILL, upon request, bargain collectively and in good faith with the Union as the servicing representative of the exclusive collective-bargaining representative of our employees in the Unit at our Kalamazoo, Michigan facilities.

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlr.gov/case/07-CA-135950 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.

